

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

8/3/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CRIMINAL 05-00285JMS-01
CASE NAME: United States of America vs. Richard Fiapoto, aka "Richie Rich"
ATTYS FOR PLA: Beverly Wee Sameshima
ATTYS FOR DEFT: Michael Jay Green
U.S.P.O: Ellie Asasaki

JUDGE: J. Michael Seabright

REPORTER: Sharon Ross

DATE: 8/3/2006

TIME: 10:30 - 11:20

SENTENCING - NON-EVIDENTIARY

COURT ACTION: Sentencing to Count 3 of the Indictment:

Defendant present in custody with counsel Michael Green.

Memorandum of Plea Agreement accepted.

Imprisonment 108 months; Supervised Release 3 years under the following conditions:

RECOMMENDATION: Institution in California. First preference Lompoc.

That the defendant participate in the 500 Hour Comprehensive Drug Treatment Program.

That the defendant participate in educational and vocational training programs.

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)

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4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 15 valid drug tests per month during the terms of supervision (mandatory condition).
5. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
6. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

No fine imposed.

Special Monetary Assessment \$100.

Advised of rights to appeal.

Governments Oral Motion to Dismiss Counts 1, 2, 4, 5, 6 of the Indictment.

Submitted by: Dottie Miwa, Courtroom Manager